

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES EDWARD SCOTT,

Plaintiff,

v.

NAPHCARE, *et al.*,

Defendants.

Case No. 3:19-cv-00347-MMD-WGC

ORDER

Pro se Plaintiff James Scott brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 48), recommending that Defendants Dr. Larry Williamson’s and Dr. Emily Feely’s motions to dismiss (ECF Nos. 19, 36) be denied, a notice of intent to dismiss Dr. Karen be issued pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, and that the unidentified Doe defendants be dismissed without prejudice. The parties had until January 18, 2021 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will deny the motions to dismiss, issue a notice of intent to dismiss Dr. Karen, and the Doe defendants are dismissed from this action.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct *de novo* review, and is
4 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends that Defendants’
5 motions to dismiss be denied because it is not clear from Plaintiff’s complaint that he
6 failed to exhaust his administrative remedies. (ECF No. 48 at 3-6.) Additionally, Judge
7 Cobb recommends the Court issue a notice of intent to dismiss Dr. Karen as she has not
8 been served, and that the Doe defendants be dismissed as Plaintiff has not sought to join
9 any identified individuals in place of the Doe defendants. (*Id.* at 3.) The Court agrees with
10 Judge Cobb. Having reviewed the R&R and the record in this case, the Court will adopt
11 the R&R in full.

12 It is therefore ordered that Judge Cobb’s Report and Recommendation (ECF No.
13 48) is accepted and adopted in full.

14 It is further ordered that Defendant Dr. Larry Williamson’s motion to dismiss (ECF
15 No. 19) is denied.

16 It is further ordered that Defendant Dr. Emily Feely’s motion to dismiss (ECF No.
17 36) is denied.

18 It is further ordered that the Clerk of Court issue Fed. R. Civ. P. 4(m) notice that
19 this action may be dismissed without prejudice as to Dr. Karen unless proof of service is
20 filed with the Court.

21 DATED THIS 27th Day of January 2021.

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24 _____
25 MIRANDA M. DU
26 CHIEF UNITED STATES DISTRICT JUDGE
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